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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,519	02/18/2004	Tom D. Judd	H0006282-5435 / 400.691US	4712
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EXAMINER JAKOVAC, RYAN J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,519

Applicant(s)

JUDD ET AL.

Examiner

RYAN J. JAKOVAC

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the appeal brief filed on 10/13/2008, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8, 10-12, 14, 15, 17, 19-21, 23-25, 27, 30, 31, 33, 35, 36, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent Application EP 0 981 088 A1 to Paul Damian Tidwell (hereinafter Tidwell) in view of US 7,437,408 to Schwartz et al (hereinafter Schwartz).

Regarding claim 1, Tidwell teaches a method comprising: a. receiving a message formatted according to Abstract Syntax Notation One (ASN.1); and b. decoding the received message based on a previously stored configuration information file (CIF) (Tidwell, Paragraph [0024-0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF)). Schwartz discloses wherein the CIF is a table-driven file (Schwartz, col. 15, line 15-65, the MAG module is a table driven and performs transformations on input data using a table structure.).

It would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the CIF is a table-driven file as taught by Schwartz with the method of Tidwell in order to implement transformation functions without undue delay (Schwartz, col. 15, line 35-56.).

Regarding claim 2, the combination of Tidwell and Schwartz teaches the method of claim 1, wherein the received message is formatted according to an ASN.1 compatible encoding rule (Tidwell, Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming an ASN.1 message.).

Regarding claim 3, the combination of Tidwell and Schwartz teaches the method of claim 1, wherein the CIF includes schema of the ASN.1 formatted message (Tidwell, Paragraph [0024-0025], The ASN.1 decoder/encoder program module receives and decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF)).

Regarding claims 5, 30, and 35 the combination of Tidwell and Schwartz teaches the methods of claims 1 and 30, and the system of claim 35, further comprising: encoding a message formatted according to ASN.1, wherein encoding is based on the CIF (Tidwell, Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.), the CIF being a table-driven file (Schwartz, col. 15, line 15-65, the MAG module is a table driven and performs transformations on input data using a table structure.); and transmitting the encoded message (Tidwell, [0025]).

Regarding claims 6, 31, and 36 the combination of Tidwell and Schwartz teaches the methods of claim 5 and 30, and the system of claim 35, wherein encoding the message is performed according to an ASN.1 compatible encoding rule (Tidwell, Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming an ASN.1 message.).

Regarding claim 8, 33, and 38 the combination of Tidwell and Schwartz teaches the method of claims 7 and 32, and the system of claim 37 wherein transmitting and receiving are

performed according to a datalink protocol (Tidwell, Paragraph [0011-0015], ISDN is used in transmitting and receiving.).

Regarding claim 10, the combination of Tidwell and Schwartz teaches a system comprising: a means for receiving a message formatted according to Abstract Syntax Notation One (ASN.1) (Tidwell, Paragraph [0025], ASN.1 Message is received on the communication channel.); a memory for storing and accessing a configuration information file (CIF) (Paragraph [0042] and Fig. 6, Memory.), wherein the CIF is a table-driven file (Schwartz, col. 15, line 15-65, the MAG module is a table driven and performs transformations on input data using a table structure.); and a means for decoding the received message based on the stored CIF (See Tidwell, Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF)).

Regarding claim 11, the combination of Tidwell and Schwartz teaches the system of claim 10, wherein the received message is formatted according to an ASN.1 compatible encoding rule (Tidwell, Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming an ASN.1 message.).

Regarding claim 12, the combination of Tidwell and Schwartz teaches the system of claim 10, wherein the CIF includes schema of the ASN.1 formatted message (Tidwell, Paragraph [0024-0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF)).

Regarding claim 14, the combination of Tidwell and Schwartz teaches the system of claim 10, further comprising: a means for encoding a message formatted according to ASN.1, wherein encoding is based on the CIF; and a means for transmitting the encoded message (Tidwell, Paragraph [0024-0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.).

Regarding claim 15, the combination of Tidwell and Schwartz teaches the system of claim 14, wherein the means for encoding encodes the message according to an ASN.1 compatible encoding rule (Tidwell, Paragraph [0034], Basic Encoding Rules and Packet Encoding Rules are used in forming an ASN.1 message.).

Regarding claim 17, the combination of Tidwell and Schwartz teaches the system of claim 16, wherein transmitting and receiving are performed according to a datalink protocol (Tidwell, Paragraph [0011-0015], ISDN is used in transmitting and receiving.).

Regarding claim 19, the combination of Tidwell and Schwartz teaches a system comprising: a receiver configured to receive a message (Tidwell, Paragraph [0025], ASN.1 messages are received on the communications channel) formatted according to Abstract Syntax Notation One (ASN.1) using an ASN.1 compatible encoding rules (Tidwell, Paragraph [0024], Messages are formed according to ASN.1 compatible encoding rules.); a memory configured to

store a configuration information file (CIF) (Tidwell, Paragraph [0042] and Fig. 6, Memory.), wherein the CIF is a table-driven file (Schwartz, col. 15, line 15-65, the MAG module is a table driven and performs transformations on input data using a table structure.); and a processor coupled to the receiver and the memory (Tidwell, Paragraph [0042] and Fig. 6, CPU.), the processor being configured to decode the received message based on the stored CIF (Tidwell, Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF)).

Regarding claim 20, the combination of Tidwell and Schwartz teaches the system of claim 19, wherein the ASN.1 compatible encoding rule includes at least one of Basic Encoding Rules (BER) or Packed Encoding Rules (PER) (Tidwell, Paragraph [0024], Basic Encoding Rules and Packed Encoding Rules are used to encode ASN.1 messages.).

Regarding claim 21, the combination of Tidwell and Schwartz teaches the system of claim 19, wherein the CIF includes schema of the ASN.1 formatted message (Tidwell, Paragraph [0025], The ASN.1 decoder/encoder program module decodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF)).

Regarding claim 23, the combination of Tidwell and Schwartz teaches the system of claim 19, wherein the processor comprises a component configured to encode a message formatted according to ASN.1 based on the CIF (Tidwell, Paragraph [0025], The ASN.1

decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 24, the combination of Tidwell and Schwartz teaches the system of claim 23, further comprising a transmitter configured to transmit the encoded message (Tidwell, Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.).

Regarding claim 25, the combination of Tidwell and Schwartz teaches the system of claim 23, wherein the component configured to encode encodes the message according to an ASN.1 compatible encoding rule (Tidwell, Paragraph [0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF).).

Regarding claim 27, the combination of Tidwell and Schwartz teaches the system of claim 26, wherein the receiver and transmitter perform data reception and transmission according to a datalink protocol (Tidwell, Paragraph [0011-0015], ISDN is used in transmitting and receiving.).

Regarding claims 4, 13, and 22, the combination of Tidwell and Schwartz teaches the method of Claim 3, the system of claim 12, and the system of claim 22 wherein the CIF further

includes a means for defining new messages without updating associated operational software (Tidwell, Paragraph [0024-0025], The ASN.1 decoder/encoder program module encodes ASN.1 messages according to ASN.1 specification and a set of encoding rules (i.e. CIF) for transmission across the communication channel.). .

4. Claims 9, 18, 28, 34, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell in view of Schwartz and further in view of Applicant's Admitted Prior Art (Judd et al, US 2005/0181787, Paragraph [0021]).

Regarding claims 9, 18, 28, 34, and 39 the combination of Tidwell and Schwartz teaches the method of claims 8 and 33 and the system of claims 17, 27, and 38, Tidwell does not teach but the Applicant's Admitted Prior Art teaches wherein the datalink protocol includes an aeronautical datalink protocol. The applicant's admitted prior art in paragraph [0021] discloses that ACARS and ATN are well known in the art and that ACARS is the traditional aeronautical datalink protocol.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made combine wherein the datalink protocol includes an aeronautical datalink protocol as taught by the applicants admitted prior art with the system of Tidwell in order to provide the additional functionality and standards of ATN or ACARS.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tidwell in view of Schwartz and further in view of US 5,917,900 to Allison et al (hereinafter Allison).

Regarding claim 29, the combination of Tidwell and Schwartz teaches the system of claim 27. Allison teaches wherein the datalink protocol includes the Transmission Control Protocol/Internet Protocol (TCP/IP) (Allison, Col. 3, line 45-60, The customer access point uses the ASN.1 format over TCP/IP).

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to combine wherein the datalink protocol includes the Transmission Control Protocol/Internet Protocol (TCP/IP) as taught by Allison with the system of the combination of Tidwell and Schwartz in order to be able to interface with a carrier's intelligent call routing system (Allison, Col. 3, line 45-60.).

6. Claims 7, 16, 26, 32, and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tidwell and Schwartz.

Regarding claims 7, 16, 26, 32, and 37 the combination of Tidwell and Schwartz teaches the system of claims 5, 14, 19, method of claim 30, and the system of claim 35, Tidwell does not expressly teach wherein the system is located on an aircraft. However, the applicant's admitted prior art in paragraph [0021] discloses that ACARS and ATN are well known in the art and that ACARS is the traditional aeronautical datalink protocol. As described above it would have been obvious to one of ordinary skill in the art at the time of the invention to use ACARS, and since ACARS is an aeronautical protocol it would be obvious to use ACARS with the system on an aircraft.

Furthermore, Tidwell does not expressly disclose the system located on an aircraft. However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the nonfunctional descriptive material with the claimed invention because such data does not functionally relate to the steps in the system claimed and because the subjective interpretation of the descriptive material does not patentably distinguish the claimed invention.

Response to Arguments

7. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. JAKOVAC whose telephone number is (571)270-5003. The examiner can normally be reached on Monday through Friday, 7:30 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton B. Burgess can be reached on (571) 272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/RJ/

